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DOCKET NO: L00532/70010/NPF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Henry F. McInerney, et al.  
Serial No: 09/556,280  
Confirmation No: 7997  
Filed: April 24, 2000  
For: PORTABLE AUTHENTICATION DEVICE AND  
METHOD OF AUTHENTICATING PRODUCTS OR  
PRODUCT PACKAGING  
Examiner: Rosenberger, Richard A.  
Art Unit: 2877

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 20<sup>th</sup> day of May, 2003.

Kate Emerson  
Kate Emerson

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Information Disclosure Statement;
2. PTO Form 1449 with cited references;
3. Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825.

Respectfully submitted,  
Henry F. McInerney, et al., Applicants

By: Neil P. Ferraro  
Neil P. Ferraro, Reg. No.: 39,188  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617)720-3500

Date: May 20, 2003  
xNDDx



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P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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PART II: Information Cited

A. The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Where English language translations of the non-English language references have been provided, the translation is believed to show the relevance of the reference. Where no English language translation is available, but an English language abstract has been provided, the English language abstract is believed to explain the relevance to the extent known by Applicants. Where no English language abstract is available, the drawings are believed to show the relevance.

The following are remarks concerning the other information cited.

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

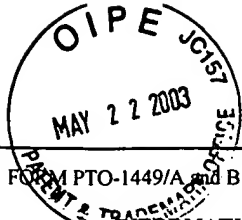
An early and favorable action is hereby requested.

Respectfully submitted,  
Henry F. McInerney, et al., *Applicants*

By: 

Neil P. Ferraro, Reg. No. 39,188  
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600 Atlantic Avenue  
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Telephone: (617) 720-3500

Docket No. L00532/70010/NPF  
Date: May 20, 2003  
**XNDDX**



<b>FORM PTO-1449/A and B (Modified)</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		APPLICATION NO.: 09/556,280		ATTY. DOCKET NO.: L00532/70010/NPF	
		FILING DATE: April 24, 2000		CONFIRMATION NO.: 7997	
		APPLICANT: Henry F. McInerney, et al.			
		GROUP ART UNIT: 2877		EXAMINER: Rosenberger, Richard A.	
Sheet	1	of	1		

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	US2001/0037455	A1	Lawandy et al.	11/01/2001
	A2	4,120,402		Swanson	10/17/1978
	A3	4,171,918		Mactaggart	10/23/1979
	A4	4,225,242		Lane	09/30/1980
	A5	4,244,741		Kruse	01/13/1981
	A6	4,311,393		Bartke	01/19/1982
	A7	4,770,536		Golberstein	09/13/1988
	A8	4,983,817		Dolash et al.	01/08/1991
	A9	5,030,833		Nozaka et al.	07/09/1991
	A10	5,063,297		Hardenbrook et al.	11/05/1991
	A12	5,414,262		Filo	05/09/1995
	A14	5,644,352		Chang et al.	07/01/1997
	A16	5,751,412		Duell et al.	05/12/1998
	A17	6,032,860		Brian	03/07/2000
	A18	6,297,508		Barnore et al.	10/02/2001

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		EP	0 016 339	A1	Bartke, Rolf	10/01/1980	N
		EP	0 083 062	A2	Tokyo Shibaura Denki Kabushi	07/06/1983	
		EP	0 340 898	B1	Zeneca Limited	09/04/1996	
		GB	2 298 713	B	Willett International Limited	09/11/1996	
		WO	91/08556		Price Stern Sloan, Inc.	06/13/1991	

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		Molecular Expressions Microscopy Primer: Photomicrography, <a href="http://micro.magnet.fsu.edu/primer/java/photomicrography/filterclasses/index.html">http://micro.magnet.fsu.edu/primer/java/photomicrography/filterclasses/index.html</a> , 2 pages.	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]